

IN THE DRAWING

Please add new FIG. 6 as shown in the enclosed New Sheet of
the drawings.

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated January 16, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 19, 22-23, 36-39 and 41 have been amended to correct certain antecedence informalities noted upon review. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

The Applicants would like to thank the Examiner for indicating that claims 39-42 are allowed.

The drawings are objected to under 37 CFR 1.83(a) for allegedly not showing every feature of the invention specified in the claims. The Office Action alleges on page 3, section 4 that the rod having a combination of straight and curved edges that vary in configuration along the length of the rod (as recited in Claim

33) is not shown in the drawings. As previously discussed on page 12-13 of the previous Amendment submitted on October 18, 2006, which is incorporated by reference, the Applicants again respectfully disagree because, for example, the rods in FIGs. 3-5 may be combined together to show the noted features. For example, the FIGs. 3-5 may be viewed as different sectional views of the same rod. For example, if rod 6a and 6b are viewed as sectional views of a single rod, the drawings together show the "rod having a combination of straight and curved edges that vary in configuration along the length of the rod" because a combined rod would show both straight and curved edges along different cross sections and a configuration that varies along their length. The specification was amended in the previous Amendment filed on October 18, 2007 to refer to this feature of the claims as contained in the originally filed claims (such as originally filed claim 15) and therefore is not new matter.

Furthermore, the drawings are objected to for not showing the features of claim 39. In response, a New drawing sheet including new FIG. 6 is enclosed. Further, the specification has been amended for conformance with the new FIG. 6. FIG. 6 is

respectfully submitted showing the necessary features. Therefore, claims 33 and 39 are in proper form and are well supported by the figures. Accordingly, Applicants respectfully request withdrawal of the drawing objections.

In the Office Action, Claims 19-30, 37 and 38 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,488,397 (Masutani) in view of U.S. Patent No. 4,954,931 (Hassler). Claims 31-33 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Masutani in view of Hassler. Claim 34 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Masutani in view of U.S. Patent No. 5,390,466 (Ashall). The Office Action also rejects Claims 35-36 under 35 U.S.C. §103(a) as allegedly being unpatentable over Masutani in view of Hassler and in further view of U.S. Patent No. 6,267,492 (Reid). It is respectfully submitted that claims 19-38 are patentable over Masutani, Hassler, Ashall and Reid for at least the following reasons.

Masutani is directed to a light emerging device composed of a light transmission cylinder coupled with a reflecting layer (See, Abstract). As shown in Fig. 2 of Masutani, the reflecting layer 5

is uniform in width along the length of the cylinder. The Office Action states that Masutani does not disclose "the outcoupling material being distributed along an angular width in such a way as to ensure uniform light distribution along the length of the rod as recited in claims 19 and 18". (See, Office Action, page 6, numbered paragraph 8)

Hassler is directed to a light transmission device 11 with a window 59 which transmits from the device (see, Abstract). Window 59 is formed by sandblasting or chemically etching the surface 45 of device 11. (See, column 3, lines 18-20.) This forms a frosting which transmits as opposed to reflects light (see, column 3, lines 21-22).

According to the Office Action, it would have been obvious to adjust the angular width of the outcoupling material of Masutani to ensure uniform light distribution along the length of the rod, as per the teachings of Hassler. The Applicants respectfully disagree.

It is respectfully submitted that the mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests

the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In the present rejections, the Office Action has not identified any teaching or suggestion or motivation in the Hassler for adjusting the reflective layer in Masutani. Hassler shows a transmissive window etched into the surface of the light transmitting device while Masutani shows a reflective coating on the light transmitting device. Hassler states that "the frosting forms a surface which transmits as opposed to reflects". (See, column 3, lines 21-22.) The window in Hassler transmits light as opposed to reflects light so actually teaches away from using a reflective coating as in the present invention. A person skilled in the art would not look to the transmissive window etched into Hassler to adjust the angular width of the uniform reflective coating in Masutani. Therefore, there is no motivation to combine these references because Hassler actually teaches away from using a reflective coating.

While the Office Action considers there to be motivation, it is respectfully submitted that motivation is only apparent in view of the teachings in the present application, not from the cited

art. Accordingly, the rejection is premised on hindsight and must be withdrawn.

Further, in arguendo, even if Masutani and Hassler are combined as suggested, they do not disclose the claims of the present invention. Specifically, Masutani in view of Hassler does not show, even in combination, a (emphasis added) "reflective outcoupling material that **varies** along the length of the rod to provide substantially uniform light distribution" as required by independent claims 19, 37 and 38. As shown in Fig. 2 of Masutani, the reflective layer 5 is uniform in width along the length of the rod. Hassler does not show a reflective material that varies in width. Hassler merely shows a transmissive window formed by etching or blasting the surface of the device 11. Hassler does not show a "material affixed to an outer surface of the rod" because in Hassler, a transmissive window is etched into the surface of device 11 so, even in combination with Masutani, the combined references do not show the requirements of claims 19, 37 and 38 in the present invention. Therefore, it is respectfully submitted that the references in combination do not show the reflective outcoupling

material affixed to an outer surface of the rod that **varies** along the length of the rod as required by claims 19, 37 and 38.

Furthermore, the Office Action cites on page 5, lines 19 to page 6, line 4 of the present application for allegedly showing one of ordinary skill in the art would have been motivated to select a specific shape as necessitated by the particular requirements of a specific application, as allegedly admitted by the applicant. (See, Office Action, page 8, numbered paragraph 14.) The Applicants respectfully disagree. The above noted section in the application does not discuss or suggest what one of ordinary skill in the art would be motivated to do concerning shape selection. Any such motivation is only apparent in view of the teachings in the present application, not from the cited prior art. Accordingly, the rejection is premised on hindsight and must be withdrawn.

Based on the foregoing, the Applicants respectfully submit that independent claims 19, 37 and 38 are patentable over Masutani in view of Hassler and notice to this effect is earnestly solicited. Claims 20-36 depend from claim 19 and accordingly are allowable for at least these reasons as well as for the separately patentable elements contained in the claims. Ashall and Reid are

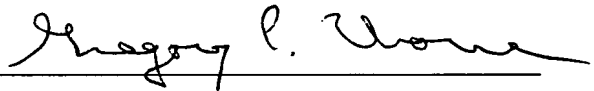
introduced for rejecting dependent claims and do not cure the defects in Musatani and Hassler.

For example, Ashall does not show a **reflective** outcoupling material comprising a combination of white paint and fine dots with varying packing density as required by dependent claim 34. Ashall is directed to an illuminated display system which has a transparent medium having two opposing surfaces to be illuminated wherein both of said surface to be illuminated has a matrix of dots substantially covering said surfaces to be illuminated (see, column 1, line 65 to column 2, line 2). In Ashall, the paint dots are applied to the surface they are meant to illuminate, or in other words, to transmit light rather than reflect light. Since Ashall does not disclose paint dots that reflect light, Ashall does not show a reflective outcoupling material comprising a combination of white paint and fine dots as required by claim 34 of the present invention. Therefore, dependent claim 34 is respectfully submitted for allowance for at least these further reasons. Accordingly, separated consideration of the dependent claims is respectfully requested.

amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: 1 page new drawing sheet

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With respect to the Response to Arguments on page 15, numbered paragraph 15, the Office Action alleges that the Applicants did not submit any separate arguments concerning claims 20-36. The Applicants respectfully disagree and particularly point to the discussion on page 19 of the previously submitted Amendment filed on October 18, 2006 concerning claim 34 which is substantively included in the paragraph above.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid by the attached credit card authorization for filing of the terminal disclaimer. However, in the event that any additional fees or charges are required for entrance of the accompanying